

IN RE: PETITION FOR ADMIN. VARIANCE  
N/S Gunpowder Road, 215' E of  
the c/l of Susquehanna Road  
(7408 Gunpowder Road)  
15th Election District  
5th Councilmanic District

Michael A. Bauer, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-77-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 7408 Gunpowder Road, located in the vicinity of Eastern Avenue in Oliver Beach. The Petition was filed by the owners of the property, Michael and Joanna Bauer. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 10 feet for an attached enclosed porch. The subject property and relief sought are more particularly described on the site plan submitted which was marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed a Petition for Administrative Variance along with the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code, and the property has been duly posted. There being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

Based upon the information offered, there is no evidence to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

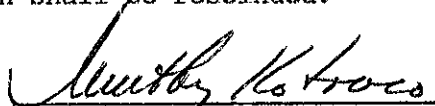
requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

It should also be noted that this property is located within the Chesapeake Bay Critical Areas near the Gunpowder River, and as such, is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. Any relief granted herein is conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4<sup>th</sup> day of October, 1995 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 10 feet for an attached enclosed porch, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 4, 1995

Mr. & Mrs. Michael A. Bauer  
7408 Gunpowder Road  
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
N/S Gunpowder Road, 215' E of the c/l of Susquehanna Road  
(7408 Gunpowder Road)  
15th Election District - 5th Councilmanic District  
Michael A. Bauer, et ux - Petitioners  
Case No. 96-77-A

Dear Mr. & Mrs. Bauer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel

File



96-77-A

ZONING DESCRIPTION FOR 7408 GUNPOWDER RD.  
(address)

Beginning at a point on the NORTH side of \_\_\_\_\_  
(north, south, east or west) (name of \_\_\_\_\_)  
GUNPOWDER RD which is 30 FT.  
(street on which property fronts) (number of feet of right-of-way width)  
wide at the distance of 215 FT. EAST of the  
(number of feet) (north, south, east or west)  
centerline of the nearest improved intersecting street SUSQUEHANNA  
(name of street)  
which is 30 FT. wide. \*Being Lot # 156.  
(number of feet of right-of-way width)  
Block \_\_\_\_\_, Section # A in the subdivision of OLIVEA BEACH  
(name of subdivision)  
as recorded in Baltimore County Plat Book # 12, Folio # 56, containing  
7500 SQ. FT. Also known as 7408  
(square feet or acres) (property address)  
and located in the 15th Election District, 6 Councilmanic District.

ITEM# 99

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 9/8/95

Posted for: Variance

Petitioner: Michael & Joanna Bower

Location of property: 7408 Gunpowder Rd, N/S

Location of Sign: Facing roadway on property being zoned

Remarks: \_\_\_\_\_

Posted by: M. Healy Date of return: 9/12/95  
Signature

Number of Signs: 1

BAITIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

ITEM No. 99

96-77

DATE 8/31/95 ACCOUNT R-001-6150

|                     |    |                  |
|---------------------|----|------------------|
| 010 - R.V. ADMIN. - | \$ | 50 <sup>00</sup> |
| 080 - SIGN          | \$ | 35 <sup>00</sup> |
| TOTAL -             |    | 85 <sup>00</sup> |

RECEIVED FROM: M. BAUER

FOR: ADM. VARIANCE

0240280191NCHRC \$85.00  
BY 0010:036408-31-95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 99

Petitioner: Michael & Joanna Bauer

Location: 7408 Gunpowder Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. Michael Bauer

ADDRESS: 7408 Gunpowder Rd.

Balto md 21220

PHONE NUMBER: (410) 335-4703

AJ:ggs

(Revised 04/09/93)



Printed on Recycled Paper

POSTING 9-10-95 13



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

NOTICE OF CASE NUMBER ASSIGNMENT

**COPY**

Re: CASE NUMBER: 96-77-A (Item 99)  
7408 Gunpowder Road  
N/S Gunpowder Road, 215' +/- E of c/l Susquehanna Road  
15th Election District - 6th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before September 10, 1995. The closing date (September 25, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon  
Director  
Department of Permits and Development Management

**MICROFILMED**





CRITICAL  
AREA



# Petition for Administrative Variance

96-77-A  
to the Zoning Commissioner of Baltimore County

for the property located at

7408 Gunpowder Rd

which is presently zoned

DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1

To permit a side yard setback of 3 feet in lieu of the required 10 feet for an attached enclosed porch.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The Reason Zoning Regulation Cannot be met are, my lot size compared to my neighbors is 50 ft smaller. I have no room in the back to do anything. The porch was existing so I just followed what was there. The porch already had knee walls, but were badly damaged, so I just enclosed it.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name

Address

Phone No.

7408 Gunpowder Rd

Address

W. 665-8100 (Mrs. Bauer)

335-4103

Phone No.

Balto

City

MD

State

21220

Zipcode

Name, Address and phone number of representative to be contacted, if any

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_, 19\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

WICKROTH/MLD

Zoning Commissioner of Baltimore County

REVIEWED BY:

R.T.

DATE:

8-31-95

ESTIMATED POSTING DATE:

9-10-95

Printed with Soybean Ink  
on Recycled Paper

ITEM #:

99

ORDER RECEIVED FOR FILING

Date

By

CRITICAL  
AREA

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7408 GUSTAFSON RD  
address  
Balto MD 21220  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

BECAUSE OF MY LOT BEING 50 FT WIDE, I HAVE NO  
ROOM TO PUT ANYTHING. THE LOT FACING THE PORCH IS  
OPEN. THE PORCH WAS EXISTING, & WITH IT BEING ENCLOSED  
WILL GIVE ME A PLACE TO KEEP MY DOG & ROOM AROUND THE ROAD  
FOR A PLANNED FAMILY. WITH THE PORCH BEING ENCLOSED IT CAN  
ALSO BE USED DURING THE WINTER MONTHS. THE EXISTING PORCH  
HAD A KNEE WALL, BECAUSE OF SEVERE WATER DAMAGE. THE EXISTING SCREENS  
BEING ONLY 4 FT I ENCLOSED THE WHOLE THING.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Mr. Michael A. Baer  
(signature)  
Mr. Michael A. Baer  
(type or print name)



Mrs. Joanna Bauer  
(signature)  
MRS. JOANNA BAUER  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of August, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael & Joanna Bauer

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/20/95  
date

Louise A. Melipignano  
NOTARY PUBLIC

My Commission Expires: 11/01/97





**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

9-12-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 099 (RT)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: September 14, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 78, 80, 93, 94, 97, 99, 103, 104, 109, 110, 112, and 113

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

MICROFILMED

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/12/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 11, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 93, 96, 97 & 99.

MICROFILMED

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

RECEIVED  
SEP 13 1995

ZADM



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Sept. 18, 1995  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for September 18, 1995  
Items 093, 094, 097, 098, and 099

The Development Plans Review Division has reviewed  
the subject zoning items and we have no comments.

RWB:sw

*RECEIVED*

## PETITION PROBLEMS

### #93 --- JRF

1. Notary section is incomplete/incorrect.

### #94 --- JRA

1. No telephone number for legal owner.

### #97 --- JRA

1. No review information on bottom of petition form.

### #98 --- JJS/JLL

1. No telephone number for legal owner.

### #99 --- RT

1. Not marked "Critical Area".

### #101 --- JCM

1. Need authorization for power of attorney from Register of Wills. (Petition for Commissions is signed by the personal representative, not the court. Also, the first page is cut off at the bottom.)

UNRECORDED



# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

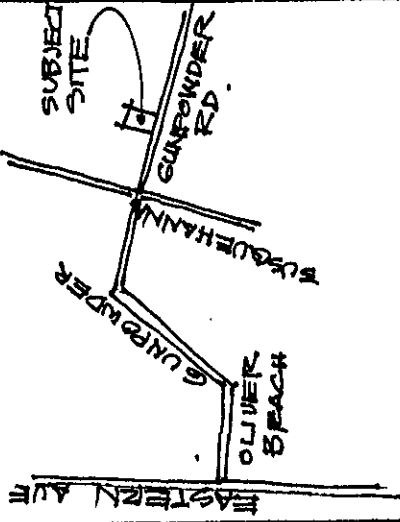
PROPERTY ADDRESS: 1408 GUNPOWDER RD.

96-77-A

Subdivision name: OLIVER BEACH

plat book # 12, folio # 56, lot # 156, section #

OWNER: Michael & Joanna Bavel



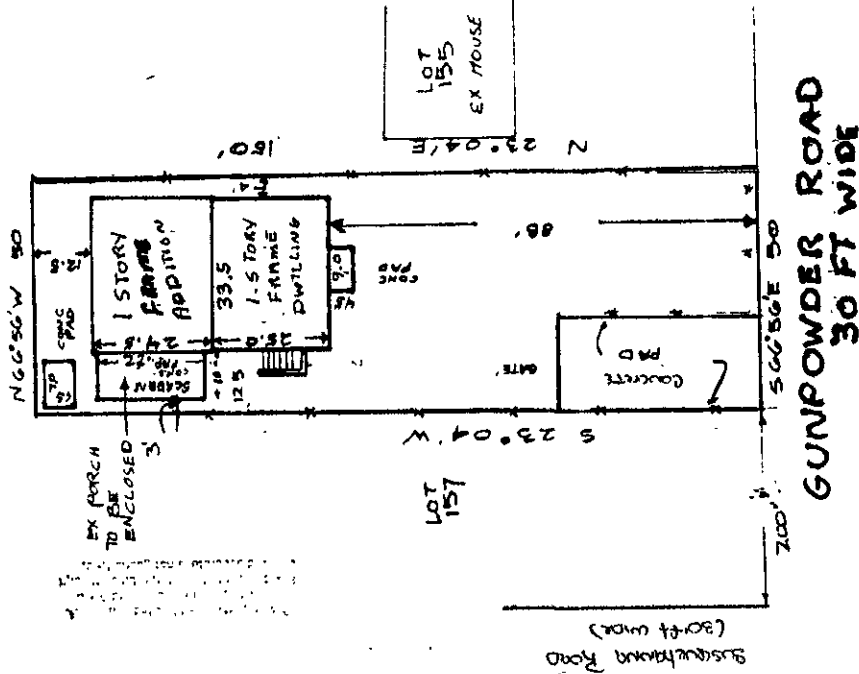
Vicinity Map  
North  
scale: 1"=1000'

## LOCATION INFORMATION

Election District: 15  
Councilmanic District: 6  
1"=200' scale map #: NE 7-M  
Zoning: DR 5.5  
Lot size: 1500 acreage square feet  
SEWER: ☒ public ☐ private  
WATER: ☒ yes ☐ no  
Chesapeake Bay Critical Area: ☒  
Prior Zoning Hearings: NONE

## Zoning Office USE ONLY!

reviewed by: RT ITEM #: 99 CASE#:

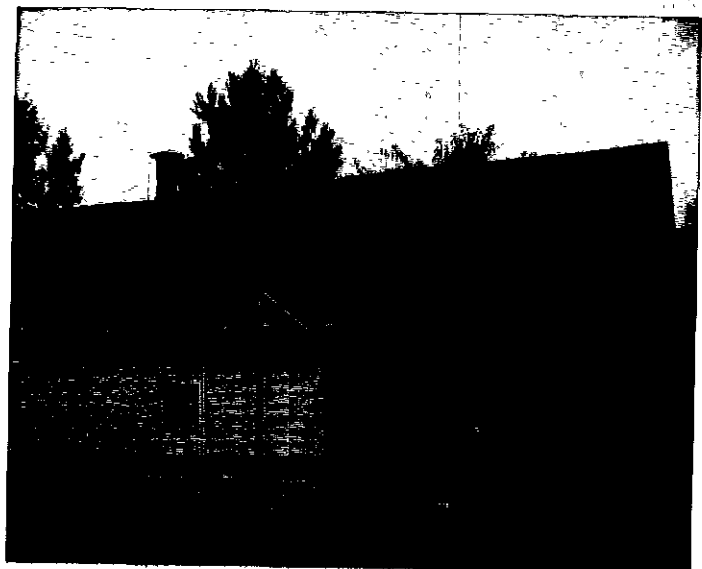


North

date: 8-31-95

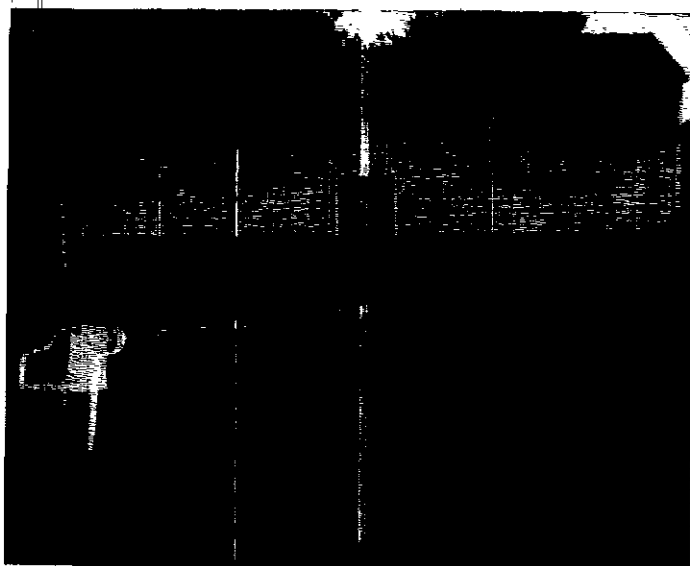
prepared by: MAB

Scale of Drawing: 1"= 1"=40'



REAR

ITEM# 99



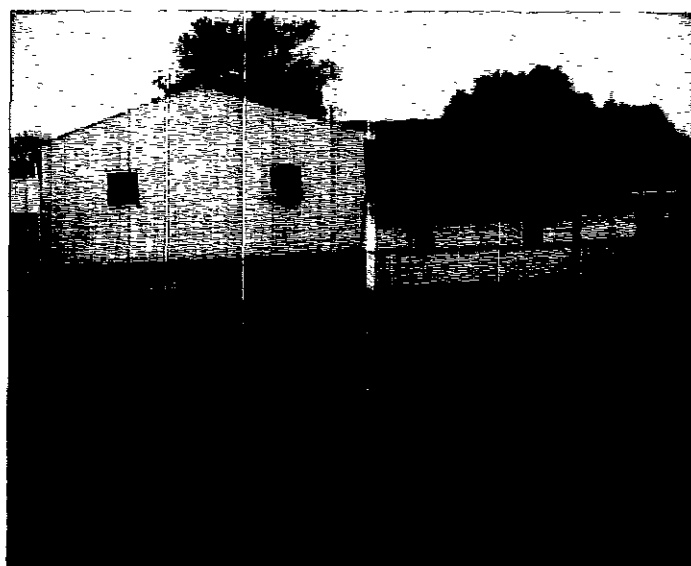
FRONT

ITEM# 99



REAR

ITEM# 99



RIGHT SIDE (FACING FRONT)

ITEM# 99



LEFT SIDE (FACING FRONT)

ITEM# 99

WICHITA, KANSAS





PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200'

LOCATION

SHEET

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

HAREWOOD  
OLIVER BEACH  
ITEM# 19

N.E.  
7-M

96-77-A









PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200'

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HAREWOOD  
OLIVER BEACH  
ITEM# 19

N.E.  
7-M

96-77-A





IN RE: PETITION FOR ADMIN. VARIANCE  
N/S Gunpowder Road, 215' E of  
the c/l of Susquehanna Road  
(7408 Gunpowder Road)  
15th Election District  
5th Councilmanic District  
Michael A. Bauer, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-77-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 7408 Gunpowder Road, located in the vicinity of Eastern Avenue in Oliver Beach. The Petition was filed by the owners of the property, Michael and Joanna Bauer. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 10 feet for an attached enclosed porch. The subject property and relief sought are more particularly described on the site plan submitted which was marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed a Petition for Administrative Variance along with the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code, and the property has been duly posted. There being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

Based upon the information offered, there is no evidence to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the

requirements of Section 187.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

It should also be noted that this property is located within the Chesapeake Bay Critical Areas near the Gunpowder River, and as such, is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. Any relief granted herein is conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4 day of October, 1995 that the Petition for Administrative Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 10 feet for an attached enclosed porch, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 4, 1995

Mr. & Mrs. Michael A. Bauer  
7408 Gunpowder Road  
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
N/S Gunpowder Road, 215' E of the c/l of Susquehanna Road  
(7408 Gunpowder Road)  
15th Election District - 5th Councilmanic District  
Michael A. Bauer, et ux - Petitioners  
Case No. 96-77-A

Dear Mr. & Mrs. Bauer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel

File

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does not presently reside at 7408 Gunpowder Rd  
Towson MD 21220  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (specify reasons or practical difficulty)

BECAUSE OF MY LOT BEING SO NARROW, I HAVE NO  
ROOM TO PUT ANYTHING. THE LOT BEING THE PORCH IS A  
OPEN AREA. THE PORCH WAS EXISTING WITH IT BEING  
EXCLUDED WILL GIVE ME A PLACE FOR MY DOG + ROOM DOWN  
THE PORCH FOR A PHASE FAMILY. WITH THE PORCH BEING EXCLUDED  
IT COULD ALSO BE USED DURING THE WINTER MONTH. THE EXISTING  
PORCH HAD A KNEE WALL, BECAUSE OF SEVERE WATER DAMAGE AND  
THE SCREWS BEING ONLY 4 IN HIGH, I EXCLUDED THE WHOLE THING

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

*Michael A. Bauer*  
MICHAEL A. BAUER  
Type or print name

*Mrs. Joanna Bauer*  
MRS. JOANNA BAUER  
Type or print name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of August, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael & Joanna Bauer

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/20/95  
*Louise A. McPherson*  
LOUISE A. MCPHERSON  
NOTARY PUBLIC

My Commission Expires: 11/10/97

ZONING DESCRIPTION FOR 7408 GUNPOWDER RD  
(address)

beginning at a point on the NORTH side of (name of street) (north, south, east or west)

GUNPOWDER RD which is 30 FT. (number of feet of right-of-way width)

wide at the distance of 215 FT. EAST of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street SUSQUEHANNA (name of street)

which is 30 FT. wide. "Being lot # 156" (number of feet of right-of-way width)

Block A, Section A in the subdivision of Oliver Beach (name of subdivision)

as recorded in Baltimore County Plat Book # 12, Folio # 56, containing

7500 SQ. FT. Also known as 7408 (square feet or acres) (property address)

and located in the 15th Election District, 6 Councilmanic District.

ITEM # 99

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15th Date of Posting 9/2/95

Posted for: Variance

Petitioner: Michael & Joanna Bauer

Location of property: 7408 Gunpowder Rd, N/S

Location of Sign: 7408 Gunpowder Rd, on property being posted

Remarks:

Posted by: Michael Date of return: 9/2/95

Number of Signs: 1

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- 3) NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 99

Petitioner: Michael & Joanna Bauer

Location: 7408 Gunpowder Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mr. Michael Bauer

ADDRESS: 7408 Gunpowder Rd.

Baltimore MD 21220

PHONE NUMBER: (410) 335-4703

AJ:ggg

(Revised 04/29/93)

POSTING 9-10-95





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**NOTICE OF CASE NUMBER ASSIGNMENT**

Re: CASE NUMBER: 96-77-A (Item 99)  
7408 Gunpowder Road  
3/5 Gunpowder Road, 215' +/- S of W/3 Susquehanna Road  
15th Election District - 6th Councilmanic

**COPY**

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 10, 1995. The closing date (September 25, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon  
Director  
Department of Permits and Development Management



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 20, 1995

Mr. and Mrs. Michael A. Bauer  
7408 Gunpowder Road  
Baltimore, Maryland 21220

RE: Item No.: 99  
Case No.: 96-77-A  
Petitioner: M. A. Bauer, et ux

Dear Mr. and Mrs. Bauer:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 31, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Printed with Soybean Ink  
on Recycled Paper



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

9-12-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 099 (RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: September 14, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 78, 80, 93, 94, 97, 99, 103, 104, 109, 110, 112, and 113

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Kinn*

PK/JL

ITEM78/PZONE/TXJWL

Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-1500

DATE: 09/18/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 11, 1995

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 93, 96, 97 & 99

**RECEIVED**  
SEP 18 1995

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

Printed on Recycled Paper

**ZADM**

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Sept. 18, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for September 18, 1995  
Items 093, 094, 097, 098, and 099

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sh

**PETITION PROBLEMS**

#93 -- JRE

1. Notary section is incomplete/incorrect.

#94 -- JRA

1. No telephone number for legal owner.

#97 -- JRA

1. No review information on bottom of petition form.

#98 -- JJS/JLL

1. No telephone number for legal owner.

#99 -- RT

1. Not marked "Critical Area".

#101 -- JCM

1. Need authorization for power of attorney from Register of Wills. (Petition for Commissions is signed by the personal representative, not the court. Also, the first page is cut off at the bottom.)



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1408 GUNPOWDER RD. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: OLIVER BEACH 96-77-A

Plat book # 12, folio 56, lot # 156 section 4

OWNER: Michael & Joanne Boud

LOCATION INFORMATION

Election District: 15

Councilmanic District: 6

1"=200' scale map: NE 7-M

Zoning: DR B-5

Lot size: 1500 square feet

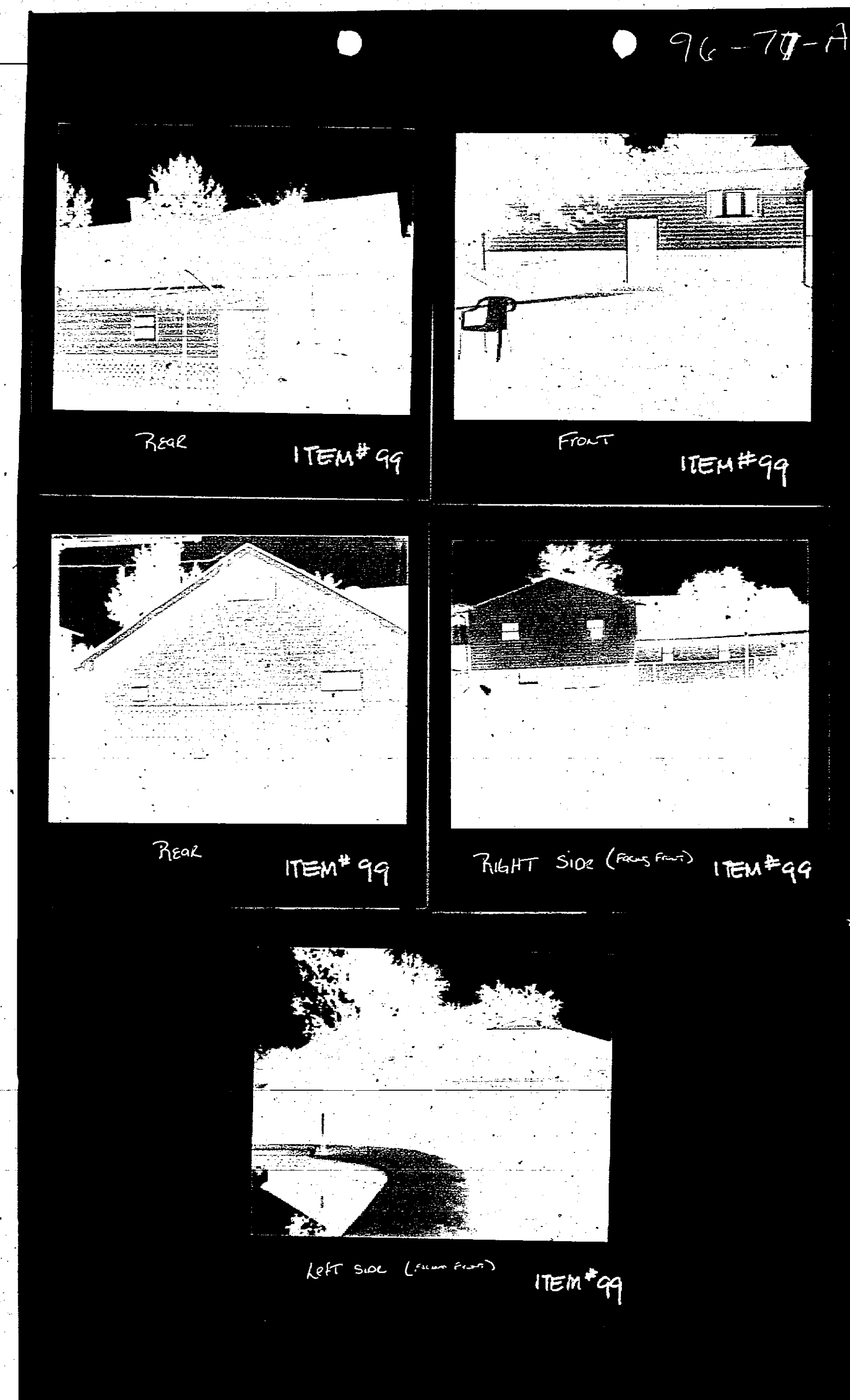
SEWER: ☒ WATER: ☒ CHESAPEAKE BAY CRITICAL AREA: ☒

Prior Zoning Hearings: NONE

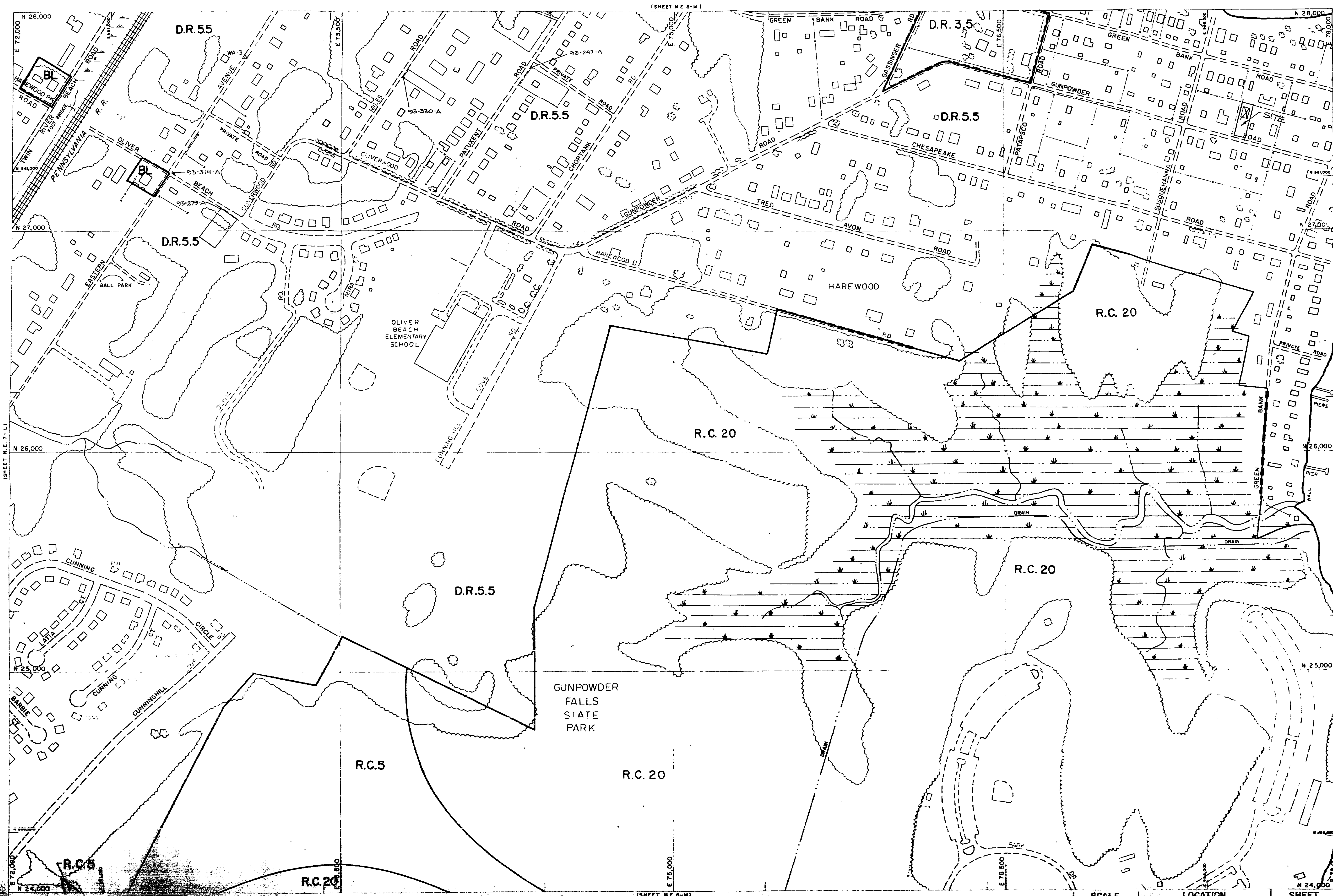
Zoning Office USE ONLY!

reviewed by: R.T. 99 ITEM #: CASE#:

North arrow pointing up. Date: 8-14-95. Prepared by: MAB. Scale of Drawing: 1"=1540'







MM-SW MM-SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21216

**BALTIMORE COUNTY**  
**OFFICE OF PLANNING AND ZONING**  
**OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 15, 1992  
 Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

SCALE  
 1" = 200' ±

DATE  
 OF  
 PHOTOGRAPHY  
 JANUARY  
 1986

LOCATION  
 HAREWOOD  
 OLIVER BEACH  
 ITEM # 99

SHEET  
 N. E.  
 7-M

*William A. Howard IV*  
 Chairman, County Council

96-77-A





96-77-A

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

|                           |              |       |
|---------------------------|--------------|-------|
| SCALE                     | LOCATION     | SHEET |
| 1" = 200' ±               | HAREWOOD     | NE    |
| DATE<br>OF<br>PHOTOGRAPHY | OLIVER BEACH | 7-M   |
| JANUARY<br>1986           | ITEM# 99     |       |